

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA

PAUL POGUE

Plaintiff

Vs.

<sup>AL</sup>  
INTERNATIONAL PAPER  
COMPANY,  
and A,B, and C who are  
those persons, partnerships,  
associates, corporations or  
agents who participated in  
the actions made the basis  
of this Complaint and who  
are presently unknown to  
the Plaintiff, but who will  
be added as Defendants  
when ascertained.

Defendants.

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Civil Action No. 05-596-Ws - C

FILED OCT 13 05 PM 2 18 USDC SD ALA

COMPLAINT

1. Plaintiff, Paul Pogue, is over the age of nineteen years and was at all times pertinent to the filing of this lawsuit a bona resident citizen of the State of Alabama.
2. The Defendant, International Paper Company, is considered and advertised as "A major American manufacturer of pulp and paper products, including printing paper, specialty paper products, packaging materials, lumber and manufactured construction materials..."( Internet Data p.1 ).
3. The Defendants, A, B, and C are those persons, partnerships, associates, corporations or agents who participated in the actions made the basis of this

**Complaint and who are presently unknown to the Plaintiff, but who will be added as Defendants when ascertained.**

- 4. Plaintiff is the rightful owner of forestry products known as: Loblolly Pine; Slash Pine; Longleaf Pine; Yellow or Tulip Poplar; Nuttall Oak; Water Oak; Shumard Oak; White Oak; Cherrybark Oak; Green Ash and other earth conservation assets within the U.S. Southern District of Alabama and further described as U.S. Township Number Eighteen North, Section Number Eight, and Range Number Ten at East, in Perry County, Alabama.**

**FIRST CAUSE OF ACTION**

- 5. The Plaintiff adopt the allegations of paragraphs one through four herein the same as if they were written here in their entirety.**
- 6. Defendant, International Paper Company, and A, B, and C, with knowledge that the subject real estate and the timber thereon belonged to the Plaintiff, intentionally and unlawfully entered upon the said real estate of the Plaintiff and unlawfully cut and removed the timber therefrom, which timber was the rightful property of the Plaintiff.**
- 7. Defendants unlawfully entered upon the said real estate of the Plaintiff and unlawfully cut and removed timber therefrom with knowledge that the said timber and real estate belonged to the Plaintiff.**
- 8. Because of the willful and malicious nature of the Defendants' action, Plaintiff claim punitive damages of the Defendants.**

**WHEREFORE, Plaintiff demand judgment against Defendants for compensatory damages in excess of the jurisdictional amount, punitive damages, interest, expenses, cost and all other such relief as the Court deems appropriate.**

**SECOND CAUSE OF ACTION**

- 9. The Plaintiff adopts the allegations of paragraphs one through nine herein the same as if they were written here in their entirety.**
- 10. The Defendants had knowledge that the timber upon the said real estate was the property of the Plaintiff and wrongfully and knowingly exercised dominion over said timber by cutting and removing the same in defiance of the Plaintiff's rights thereto and converted said timber to their own use.**
- 11. Because of the willful and malicious nature of the Defendants' action, Plaintiff claim punitive damages of the Defendants.**

**WHEREFORE, Plaintiff demand judgment against Defendants for compensatory damages in excess of the jurisdictional amount, punitive damages, interest, expenses, cost and all other such relief as the Court deems appropriate.**

**THIRD CAUSE OF ACTION**

- 12. The Plaintiff adopts the allegations of paragraphs one through thirteen herein the same as if they were written here in their entirety.**
- 13. Defendants willfully and knowingly, without the consent of the owners of the land did cut down trees on the land owned by the Plaintiff.**

**WHEREFORE Plaintiff demand judgment against Defendants in the statutory amount allowed by law per tree.**

FOURTH CAUSE OF ACTION

14. The Plaintiff adopts the allegations of paragraphs one through 15 herein the same as if they were written here in their entirety.
15. Defendant acted without the knowledge or consent of the Plaintiff.
16. Defendants' actions resulted in damage to Plaintiff property and reduced the value of Plaintiff's property.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages in excess of the jurisdictional amount, punitive damages, interest, expenses, cost and all other such relief as the Court deems appropriate.

This 14<sup>th</sup> day of October, 2005.

POGUE, DARDEN & MIMS

BY: 

PAUL POGUE  
Surveyors' Park  
Rural Route No. 6  
Post Office Box No. 334  
Selma, Alabama 36701  
(334) 467-9915

Plaintiff demands a trial by jury.

BY: 

PAUL POGUE

Defendant(s) Address:  
400 Atlantic Street  
Stamford, CT. 06921  
(203) 541-8000